



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States parties under
article 19 of the Convention pursuant to the optional
reporting procedure**

Fifth periodic reports of States parties due in 2014

Cameroon^{*}, ^{}, ^{***}**

[Date received: 11 October 2016]

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- * The fourth periodic report of Cameroon is contained in document CAT/C/CMR/4; it was considered by the Committee at its 930th and 944th meetings, held on 28 April and 7 May 2010 (CAT/C/SR.930 and 944). For its consideration, see the Committee's concluding observations (CAT/C/CMR/CO/4).
 - ** The present document is being issued without formal editing.
 - *** The annexes to this report may be consulted in the files of the secretariat and on the Committee's website.

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Introduction

1. On 28 April and 7 May 2010, the Committee against Torture considered the fourth periodic report of Cameroon under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. After noting various positive aspects and areas of concern, the Committee made its concluding observations. The responses to these observations were to form the backbone of the fifth periodic report. During its thirty-eighth session, however, the Committee established an optional procedure based on responses to the list of issues.
2. On 1 April 2014, Cameroon accepted the simplified reporting procedure. During its 54th session, the Committee adopted a list of issues, which was sent to the State party with a note verbale on 26 May 2015. The responses to this list of issues constitute the fifth periodic report of Cameroon under article 19 of the Convention.
3. The report has been drawn up using a participatory approach involving government bodies, the National Commission on Human Rights and Freedoms and civil society organizations. It covers the period between 2010 and 2014 and, to ensure that it is up to date, also contains information relating to 2015.
4. This fifth periodic report should be read in conjunction with the common core document. It is based on specific information concerning the implementation of articles 1 to 16 of the Convention (I), information on cooperation (II) and general information relating to the human rights situation (III).

I. Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Articles 1 and 4

1. Incorporation into domestic law of a definition of torture consistent with the Convention

5. In accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Cameroon has established torture as an offence under Act No. 97-009 of 10 January 1997, amending and supplementing certain provisions of the Criminal Code. This Act introduces an article 132 (bis), entitled "Torture", into the Criminal Code (Annex 1).
6. The definition set out in paragraph 5 of that article reads as follows:
 - (a) The term "torture" means any act by which severe pain or suffering, whether physical or mental or moral, is intentionally inflicted on a person, by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity, for such purposes as obtaining from him or a third person information or a confession, punishing him for an act that he or a third person is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.
 - (b) The term torture, thus defined, does not include pain or suffering arising from, inherent in or incidental to lawful sanctions.
6. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
7. An order from a superior officer or a public authority may not be invoked as a justification of torture.

7. The legislator has introduced penalties proportional to the seriousness of the acts committed. Thus, paragraphs 1 to 4 of the same article provide for the following:

- (1) Anyone who involuntarily causes the death of another through torture shall be liable to life imprisonment.
- (2) The sentence shall be imprisonment for 10 to 20 years if the torture causes the victim to be permanently deprived of the use of all or part of a limb, organ or sense.
- (3) The sentence shall be imprisonment for 5 to 10 years and a fine of 100,000 to 1 million CFA francs (CFAF) if the torture causes the victim to become ill or unable to work for a period of more than 30 days.
- (4) The sentence shall be imprisonment for 2 to 5 years and a fine of CFAF 50,000 to 200,000 if the torture causes the victim to become ill or unable to work for a period equal to or less than 30 days, or to undergo mental or psychological pain or suffering.

Article 2

2. Fundamental legal safeguards

(a) The effectiveness of legal safeguards granted to persons deprived of their liberty

8. In order to ensure that persons deprived of their liberty are able to exercise their recognized rights, the State has taken measures that apply to police custody and detention.

The right of access to counsel and to notify a relative

9. Article 122 (3) of the Code of Criminal Procedure provides that “a person held in custody may, at any time during working hours, receive visits from his or her counsel and a member of his or her family, or any other person who can monitor his or her treatment during custody”.

10. Persons in custody can therefore contact their lawyer or notify a relative in order to defend their interests. Accordingly, an updated list of lawyers, explaining the fundamental rights of persons in police custody, is kept in certain police stations. The substantial increase in the number of lawyers, from 1,660 in 2013 to 1,834 in 2014, has made them more accessible to detainees, although their distribution across judicial districts and the cost of their services may vary.

11. The above-mentioned safeguards also extend to persons held in prisons.

12. With regard to detention, article 238 (1) of the Code of Criminal Procedure provides that, in cases of pretrial detention, spouses, parents, children, other blood relatives, relatives by marriage and friends of the accused have the right to visit, exercised in accordance with a schedule established by the prison administration and subject to the approval of the public prosecutor. These provisions, taken together with those of article 240 of the Code of Criminal Procedure, establish the right of detained persons to receive visits.

The right to be examined by a medical doctor

13. Article 123 of the Code of Criminal Procedure provides that:

- (1) A person held in custody may, at any time, be examined by a physician assigned for that purpose by the public prosecutor. The physician may be assisted by another physician chosen and paid for by the person held in police custody.
- (2) The public prosecutor may also call for such an examination at the request of the person concerned, his or her lawyer or a member of his or her family. The medical examination shall be conducted within 24 hours of the request.
- (3) At the end of the period of police custody, a medical examination of the suspect must be carried out at his or her expense, by a doctor of his or her choice, if

so requested by the suspect, his or her counsel or a member of his or her family. In all cases, the suspect shall be informed of this option.

(4) The physician's report is added to the record of the proceedings and a copy is given to the suspect. It may be countersigned by the doctor chosen by the detainee, who may, if necessary, add his or her own comments.

14. Article 41 of Decree No. 2012/546 of 19 November 2012 on the code of conduct of police officers provides that:

(1) Police officers are responsible for protecting the life, health and rights of all persons held in custody.

(2) Under no circumstances shall they subject such persons to torture, physical or mental abuse or inhuman and degrading treatment.

(3) When the state of health of a person in custody requires special care, they shall call on medical staff and, if necessary, take the person concerned to a health centre.

15. Persons who are detained in prisons are seen by the prison physician as soon as they are imprisoned. If necessary, a different physician may visit a patient in conjunction with the prison physician.

16. Another physician may justifiably be called on if either greater technical capacity or the expertise of a specialist is required.

17. The need for this measure is assessed by the prison physician, who may refer the matter to another physician as prescribed by Act No. 90-36 of 10 August 1990 on the practice and organization of the medical profession.

18. In any event, law enforcement officers who fail to apply laws whose provisions are intended to safeguard the rights of persons deprived of their liberty are liable to face disciplinary penalties, without prejudice to criminal prosecution.

19. Thus, in 2010, a magistrate received a written warning for ordering wrongful detention in police custody, and five senior police commissioners were suspended without pay for 20 days for acts related to wrongful custody. During the same period, a senior police officer was suspended for three months for attempting to carry out an unlawful arrest.

20. In 2011, a sergeant was given 15 days strict arrest for acts of torture, and 17 law-enforcement officials were prosecuted by the military courts for arbitrary arrest and detention, rape, abuse of power and murder.¹

21. In 2012, disciplinary sanctions in the form of written warnings, reprimands, dismissals and temporary suspensions were imposed on 3 chief superintendents; 4 police officers, second class; 2 senior officers; 17 police inspectors, second class; 1 senior inspector; 8 chief constables; and 4 constables, second class, for actions classified as arbitrary arrest and detention, acts of negligence causing the death of a person in police custody, torture and wrongful police custody.²

22. In respect of the National Gendarmerie, 128 investigations have led to disciplinary and criminal proceedings, and officers have been the subject of investigations into acts of torture, bodily harm, homicide and arbitrary detention in 12 cases.

23. In 2013, six gendarmes were given disciplinary sanctions for committing torture, bodily harm and violations of the right to life. The director of the main prison of Meiganga and six of his staff were suspended for three months for committing violence against inmates, and a senior officer received a reprimand and a note in his file for assaulting a person brought to the police station.

¹ *Rapport du Ministère de la Justice sur l'état des Droits de l'Homme au Cameroun 2011* (Report of the Ministry of Justice on the human rights situation in Cameroon, 2011), paras. 78-83.

² *Rapport du Ministère de la Justice sur l'état des Droits de l'Homme au Cameroun 2012* (Report of the Ministry of Justice on the human rights situation in Cameroon, 2012), paras. 59-64.

24. Over the course of 2014, disciplinary measures, including warnings, reprimands and temporary suspensions, were taken in respect of 10 members of the National Police for assault against persons in police custody, persons brought to a police station and others.³

25. During the same period, 15 members of the National Gendarmerie were investigated for torture, bodily harm, homicide, and arbitrary arrest and detention.⁴ In addition, legal action was taken against two officers, seven non-commissioned officers, six soldiers, second class, and one gendarme for first degree murder, manslaughter and torture.⁵

26. During the period under consideration, the military courts handed down 35 convictions against law-enforcement personnel for acts of torture, abuse of power, arbitrary arrest and detention, manslaughter and first degree murder. The military court of Garoua sentenced a soldier, second class, to life imprisonment and another to 1 year's imprisonment, with a three-year suspended sentence, for being accessories to torture and first degree murder.

27. The civil courts sentenced Roger Constant Nkouma Sindel, a prison guard, to a 1-year, non-suspended term of imprisonment and a fine of CFAF 100,000 for the murder of a detainee, a charge that was subsequently reclassified as deadly assault under Judgment No. 29/CRIM of 12 July 2012 of the *tribunal de grande instance* (court of major jurisdiction) of Haute Sanaga, in Nanga-Eboko.⁶

Right to be informed of their rights, including the charges against them

28. The Code of Criminal Procedure protects the right of persons suspected of (arts. 116, 119 and 122) or indicted for (arts. 167 and 170) a criminal offence to be informed of the charges against them. Infringements of the right to be informed are treated as due process violations that lead to annulment, in accordance with article 3 of the Code, as illustrated by the following cases:

- *The Public Prosecutor and Mindzie Mbarga v. Koffi Morere*, criminal judgment of 14 February 2013: the Mbalmayo court of first instance annulled Mbalmayo police report No. 410 of 11 November 2009 on the grounds that it violated article 116 of the Code.
- *The Public Prosecutor v. Abbass Nsangou*, criminal judgment of 19 November 2010: the Mbalmayo court of first instance annulled the report on the grounds that it violated articles 79, 82 to 92, 116 and 117 of the Code.
- *The Public Prosecutor and Joseph Ndi Ateba v. Thanase Kom*, criminal judgment of 13 January 2014: investigation report No. 210 of 27 May 2013 by the Mbalmayo police was annulled by the Nyong et So'o department *tribunal de grande instance* on the grounds that it violated articles 3 and 124 of the Code.

29. When a person is deprived of his or her liberty, a violation of the right to be informed of the charges constitutes an irregularity subject to the remedy of habeas corpus, which was used in the following cases:

- *The Public Prosecutor v. Ms. Edith Merline Nguetack Momo et al.*, Océan department *tribunal de grande instance*, Ordinance No. 01/ORD/PTGI/O of 25 January 2012: the complainants were arrested and held by the police superintendent of the town of Kribi until 23 January 2012 (date of their application for habeas corpus) without a detention order and without being informed of the charges against them.
- *The Public Prosecutor v. Ms. Thérèse Meuntcham (married name: Toumaga)*, Océan department *tribunal de grande instance*, Ordinance No. 02/ORD/PTGI/O of

³ *Rapport du Ministère de la Justice sur l'état des Droits de l'Homme au Cameroun 2014* (Report of the Ministry of Justice on the human rights situation in Cameroon, 2014), paras. 78-79.

⁴ *Ibid.*, para. 80.

⁵ *Ibid.*, para. 82.

⁶ *Rapport du Ministère de la Justice sur l'état des Droits de l'Homme en 2012* (Report of the Ministry of Justice on the human rights situation in 2012), paras. 67-68.

26 January 2012: the complainant brought an action before the judge for the immediate release of Joseph Toumaga Wasson and Pierre Paul Matouer Mbpille. They were detained by investigative police officers from the Central Services on 16 January 2012 and were held by the police superintendent of Kribi without a warrant and without being informed of the charges against them until 25 January 2012.

Right to be brought promptly before a judge

30. There are two possible scenarios: police custody and pretrial detention.

Persons held in police custody

31. As soon as the period of police custody ends, the suspect must be released or brought before the Public Prosecutor.

32. Delays in bringing an indicted person before a judge are punishable under the law, as illustrated by the following cases brought before the habeas corpus judge:

- *The Public Prosecutor v. Ms. Thérèse Meuntcham (married name: Toumaga)*, on behalf of her husband and others. The Océan department *tribunal de grande instance* ordered the immediate release of Joseph Toumaga Wasson and Pierre Paul Matouer Mbpille in Ordinance No. 02/ORD/PTGI/O of 26 January 2012 on grounds of violations of articles 119 and 122 (1) (a) of the Code of Criminal Procedure. They had been detained by investigative police officers from the Central Services on 16 January 2012 and were held by the police superintendent of the city of Kribi without a warrant and without being informed of the charges against them until 25 January 2012.
- *The Public Prosecutor v. Liboire Ze*, on behalf of his son Boris Mpagou Ze, who spent 11 days in police custody at the gendarmerie station in Bertoua. He was immediately released pursuant to an ordinance of the Lom et Djerem department *tribunal de grande instance* dated 26 March 2013 on grounds of a violation of article 119 (1) (a) of the Code.
- *The Public Prosecutor v. Ms. Edith Merline Nguetack Momo (married name: Akemo Zemgmo)*, on behalf of her husband and others. The Océan department *tribunal de grande instance* ordered the immediate release of the individuals concerned in Ordinance No. 01/ORD/PTGI/O of 25 January 2012 on grounds of a violation of article 119 of the Code.

Persons held in pretrial detention

33. Persons placed in pretrial detention by an investigative judge must be released or referred to the competent court once the judicial investigation has been completed or the pretrial detention order has expired (Code of Criminal Procedure, art. 221).

34. The same applies to findings of lack of jurisdiction when the defendant is under a pretrial detention order: he or she must be brought before the competent judicial authority within a reasonable period.

35. Where a person is arrested in flagrante delicto (Code of Criminal Procedure, art. 298), he or she must be brought before a judge at the next available hearing.

36. Infringements of these provisions are punishable, as illustrated by the following decisions of the habeas corpus judge:

- *The Public Prosecutor v. Christophe Kamdem*: the person concerned was placed under a pretrial detention order on 28 May 2013. On 17 July 2014, the Bafoussam court of first instance declared that it lacked jurisdiction and reclassified as aggravated embezzlement acts that had initially been classified as embezzlement. The accused did not appear before a judge or a court for over three months, which the habeas corpus judge found to be an abnormally long period. He was released pursuant to Ordinance No. 011/OHC/CAB/PTGI/Mifi of 22 October 2014 of the Mifi *tribunal de grande instance*.

- *The Public Prosecutor v. André Meheloune*: the person concerned, who was accused of fraud and was under a pretrial detention order issued by the investigative judge of the Bafoussam *tribunal de grande instance* on 19 March 2009, was not brought before a judge before the expiry of the order. He was released pursuant to Ordinance No. 002/OHC/CAB/PTGI/Mifi of 19 February 2010.
- *The Public Prosecutor v. Joseph Talla*: the person concerned was placed in pretrial detention on the order of the investigative judge of the Bafoussam military court on 28 August 2009. The pretrial detention order expired but was not renewed. He was released immediately pursuant to Ordinance No. 12/OHC/CAB/PTGI/Mifi of 8 July 2010.
- *The Public Prosecutor v. Pierre René Djomo Mbanzeu*: the person concerned was placed in pretrial detention by the investigative judge of the Bafoussam court of first instance on 8 October 2009. He was still in detention on 3 June 2010. Given that the pretrial detention order had not been renewed and that he had not been brought before a judge, he was immediately released pursuant to Ordinance No. 19/OHC/CAB/PTGI/Mifi of 23 September 2010.

(b) Detention registers

37. Places of detention, whether run by the gendarmerie, the police or the prison service, keep different registers, including a police custody log and prison log. The inspection service and prosecutors monitor the logs to ensure that they are properly kept. Where deficiencies are observed, irregularities are noted and the heads of the relevant units are instructed to take remedial action.

(c) Accessibility of legal aid for the most disadvantaged, regardless of the penalty they face

38. The law has not yet been amended to take these concerns into account.

3. Execution of writs of habeas corpus

39. Writs of habeas corpus do not come with a release order issued by the Public Prosecutor; rather, the Public Prosecutor simply transmits the writ to the head of the detention centre where the person concerned is being held. Judicial orders and decisions are executed by the public prosecution service, as provided for in article 545 (2) of the Code of Criminal Procedure, which stipulates that: “Judicial orders and decisions regarding arrest, detention and release are effective immediately and are transmitted directly to the enforcement authority by the public prosecution service.”

4. Guarantees of the independence and impartiality of judges and prosecutors

40. The independence and impartiality of judges are enshrined in the Constitution and the decree on the status of the judiciary. Judges adjudicate in accordance with the law and their conscience.

41. Notwithstanding the hierarchy within the public prosecution service, prosecutors enjoy freedom of speech during hearings in keeping with article 3 of Decree No. 95/043 of 8 March 1995 on the status of the judiciary.

42. In order to better guarantee the independence and impartiality of judges and prosecutors, in-service training is made available to them. The following three training workshops on the independence of the justice system were organized in cooperation with the Commonwealth:

- 5-6 May 2011 in Bamenda for 30 judges from the West, South-West and North-West regions
- 21-22 June 2012 in Yaoundé for judges from the jurisdictions of the Centre, South and East regions
- 20-21 June 2013 for 30 judges from the northern regions

43. When there is a suspicion of bias, defendants may request the judge's recusal. In decision No. 05/FCR of 15 April 2011 on *Jacques Kago Lele v. Bafoussam Court of first instance (Public Prosecutor and Happi Messack)*, the judges of the Supreme Court specified that: "There are legitimate grounds for suspicion when the investigation or the interests of the judges raise questions about the impartiality of the investigating judge or the court." There were 239 challenges before the Supreme Court and other courts during the period under consideration.

44. In 2013, 104 challenges were brought, of which 27 led to decisions in favour of the defendant, 11 led to decisions against the defendant and 66 are pending; 24 of these challenges concerned Supreme Court judges. The rise in the number of challenges compared with 2012, when 62 cases were brought, of which 40 led to decisions in favour of the defendant, demonstrates that defendants do claim this statutory right with a view to ensuring that a court is impartial.

Recruitment of judges and regulations on their mandate

45. There are two modes of recruitment for judges in Cameroon: through competitive examination or through direct appointment on the advice of the Supreme Council of Justice. The latter option is available to members of specific professions, including lawyers, bailiffs, notaries, registrars and law instructors in law faculties.

46. Regulations on recruitment apply equally to prosecutors and judges. The procedures are governed by specific conditions regarding form and substance.

47. Experience and seniority are necessary to be appointed as a judge. After graduation, legal trainees who join the judiciary all begin as assistant public prosecutors, but some years' experience is needed to be appointed as a judge.

48. The procedure for dismissal, which is the severest penalty, is governed by strict rules and the adversarial principle.

49. The promotion, appointment, assignment and sanctioning of judges is decided by the President of the Republic, on the advice of the Supreme Council of Justice.

5. Guarantees of the independence of the National Commission on Human Rights and Freedoms

50. The independence of the National Commission has been strengthened in order to bring the institution into line with the Paris Principles. Thus, the right to vote of members who represent public entities was revoked by Act No. 2010/04 of 13 April 2010 amending Act No. 2004/016 of 22 July 2004 on the establishment, organization and functioning of the National Commission on Human Rights and Freedoms. This amendment led to the National Commission's reaccreditation as an A Status organization by the Global Alliance of National Human Rights Institutions.

51. In addition to the revocation of the right to vote, an increase in resources has resulted in greater independence for the National Commission. The State's contribution to its operating budget rose from CFAF 500 million⁷ in 2008, 2009 and 2010 to CFAF 700 million⁸ in 2011. Including CFAF 400 million⁹ allocated for investment, the National Commission had a total budget of CFAF 1,100 million¹⁰ in 2012. Another CFAF 20 million¹¹ were added to the operating budget, which rose from CFAF 700 million to 720 million¹² between 2013 and 2015,¹³ but the investment budget has not changed. A further

⁷ Equivalent to €763,358.77.

⁸ Equivalent to €1,068,702.29.

⁹ Equivalent to €610,687.022.

¹⁰ Equivalent to €1,679,389.31.

¹¹ Equivalent to €30,534.35.

¹² Equivalent to €1,099,236.64.

¹³ The National Commission's operating budget for 2016 is 756 million CFA francs, pursuant to Act No. 2015/019 of 21 December 2015 on the Finance Act of the Republic of Cameroon for the 2016 fiscal year.

increase in the budget, which remains inadequate, together with a relaxing of fund disbursement procedures, would enable the National Commission to better carry out its mandate.

6. Combating harmful traditional practices

Legislative and other measures taken to prohibit female genital mutilation

52. While the legislative reform project has yet to be concluded, combating female genital mutilation is at the core of the Government's political agenda. Accordingly, the National Gender Policy adopted in 2014 establishes a multisectoral planning and policy framework with a view to eliminating gender-based inequality. Among the strategic thrusts of this document, close attention is paid to the promotion of a sociocultural environment conducive to nurturing respect for women's rights. One of the specific objectives of the National Gender Policy is to reduce the prevalence of violence against women, which includes female genital mutilation.

53. The Government of Cameroon, supported by its development partners and by civil society, has taken measures in the context of combating female genital mutilation. These include the formulation and adoption of a National Plan to Combat Female Genital Mutilation in 1998, which was revised in 2011 to include a planned framework of measures.

54. The measures comprise studies and research, capacity-building, prevention, protection and care of victims, partnerships, coordination and follow-up/evaluation.

55. As far as capacity-building measures are concerned, a guide on caring for victims of female genital mutilation has been drafted, and training and awareness-raising sessions on the Action Plan have been held in communities.

56. Prevention has been a feature of multiple appeals on the part of the Minister for Women's Empowerment and the Family calling for the commitment of members of Parliament during 2014. Awareness-raising campaigns have also been conducted in residential areas, and 6 February is celebrated as a national day for combating female genital mutilation, under the slogan "Zero Tolerance".

57. Measures for the protection and care of victims have been based around the development of a warning and monitoring system within communities, in particular through the establishment in residential areas of local oversight committees to act as community-based warning systems or intervention tools. In a similar vein, it is useful to highlight efforts to support the economic transition of practitioners of female genital mutilation by providing training on income-generating activities. Care of victims takes the form of various grants and assistance, medical and psychosocial support for victims at clinics providing both social and legal services, counselling sessions, free medicines and campaigns to provide care for women suffering from complications caused by female genital mutilation.

58. Partnerships have been established with, among others, the British High Commission in Cameroon, the Cameroon Council of Imams and Muslim Dignitaries and the International Circle for the Promotion of Creation.

59. All these measures have contributed to a reduction in the phenomenon of female genital mutilation, considering particularly the number of practitioners who have officially handed in their knives, symbolizing that they have left that harmful practice behind.

Breast ironing

60. As far as other harmful traditional practices are concerned, breast ironing is a practice used by certain tribes to delay the development of breasts in adolescent girls using traditional methods that involve massaging the chest with the aid of herbs, sticks, rocks or kitchen spatulas. The practice does not involve the use of a clothes iron and is aimed at delaying the early development of secondary sexual characteristics in young girls. In reality, the practice is declining to the point of disappearing entirely owing to cultural modernization and awareness-raising, training and information activities.

Stigmatization of widows

61. Although not yet the subject of any legislation, the stigmatization of widows is a social phenomenon that has been a focus of attention for the authorities for many years. To provide support for widows and encourage communities and families to behave in a way that fosters their development, Cameroon has marked 23 June as International Widows' Day every year for the past five years. This celebration serves as a means of raising awareness among widows of their basic rights and educating the wider population on those rights. The theme in 2015 was "The best strategies for comprehensively addressing the problems faced by widows in Cameroon"; two weeks of activities, comprising educational talks, radio broadcasts and a televised debate on widows' rights, were organized around it. Widows are supported towards economic independence through training on income-generating activities or facilitated access to land, primary health care and a life free of violence and other inhumane treatment. Action taken by civil society is also key in this regard. For instance, in 2013, the International Circle for the Promotion of Creation set up a project aimed at making widowhood rites more humane. As part of the project's pilot phase, traditional chiefs and widows took part in drafting a customary code on widowhood rites. Observatories were also established to monitor the rites, awareness-raising activities were carried out and advocacy and monitoring were conducted in local communities. During this phase, five villages in West region were identified and supported, leading to significant results; in particular, more than 200 widows benefited from income-generation training, five widows' associations were set up in the villages, and traditional chiefs, having experimented with making widowhood rites more humane, encouraged their counterparts in eight other villages to do the same.

The kidnapping of children for magico-religious practices

62. Cases of kidnapping of children for the purposes of magico-religious practices that are reported to the authorities are subject to investigation and, where appropriate, to prosecution and conviction. In that connection, following repeated cases of kidnapping and the subsequent killing of young girls in the Mimboman district of Yaounde, 10 alleged perpetrators were arrested and charged by the examining magistrate of the *Mfoundi tribunal de grande instance*, which issued a partial dismissal and remittal order on 30 July 2014. That ruling was quashed by the Review Chamber of the Central Court of Appeal, resulting in the remittal of all of the accused before the court for judgment following Judgment No. 04/CI of 5 March 2015. The case is continuing its course.

63. However, statistics on conduct related to harmful traditional practices cannot be provided at the current time. Although punishable under various categories of criminal law, the offences to which these practices refer are multifaceted and varied, and it would therefore be difficult to identify them as such.

Progress made in implementing the National Plan to Combat Female Genital Mutilation and the National Programme on Reproductive Health

64. In order to reduce the maternal mortality and morbidity rates, the Government has taken certain measures, including the implementation of the National Programme on Reproductive Health, which is primarily focused on maternal and child health. The Programme's components are based on actions aimed at improving the indicators related to maternal and child health. To this end, action has been taken to strengthen the capacities of health-care workers providing essential and emergency obstetric and neonatal care, particularly those involved in perinatal management, in both public and private facilities. In 2014, 189 obstetric and neonatal health service providers were trained, bringing the total number of trained personnel throughout the country to 419. In addition, selected health-care facilities have been renovated or equipped. Eight midwifery schools have also been established in the 10 regions, while a coordination system has been set up following the creation of a mother-and-child working group, which has thematic subgroups already in operation. Of equal importance is a family planning component, which, for the period pertaining to this report, has strengthened the capacities of women and families in terms of strategies for reducing maternal and infant mortality rates. In order to implement this component, 405 service providers around the country have received training on family

planning, with the support of technical and financial partners. An obstetric kit pre-positioning strategy has also been adopted for health-care facilities.

65. The National Plan to Combat Female Genital Mutilation also encompasses treatment of obstetric fistulas. In this connection, campaigns for the clinical treatment and repair of obstetric fistulas were conducted in health-care facilities in the Adamawa and Centre regions of the country in 2014, during which time 128 operations were carried out. An ongoing treatment centre was also opened in Ngaoundéré.

Statistics on complaints, investigations, prosecutions, convictions and sentences imposed on perpetrators of criminal conduct related to harmful traditional practices

66. Although these practices are punishable under law, statistics related to them remain very limited.

7. Combating violence against women

67. In 2014, the Government adopted a National Gender Policy document defining the strategic objectives for multisectoral action aimed at eradicating violence against women.

68. A number of coordinated measures have been taken in implementation of the National Strategy to Combat Gender-based Violence, with significant results.

69. The measures were based around the areas of research, prevention, care of victims of gender-based violence and capacity-building. In respect of research, a national survey on violence against women, including the associated variables, is under way and will provide information on the prevalence of that scourge in Cameroon.

70. Preventive measures that have been taken include the organization of awareness-raising and education sessions aimed at families, leaders and/or community and religious focal points across the country. In 2012 and 2013, campaigns on the topic reached over 3 million people. In line with an inclusive and cross-cutting approach, the National Strategy to Combat Gender-based Violence has been disseminated to institutional and social stakeholders through awareness-raising and social mobilization sessions. Community radio stations have broadcast information in local languages to enhance understanding of the goals being pursued.

71. In the area of legal support for victims, the Ministry for the Promotion of Women and the Family has signed a collaboration agreement with two law firms, one in Douala and the other in Yaoundé. The National Strategy has served as a springboard for enhanced collaboration with civil society organizations through the signing of platforms for joint action to combat violence against women and girls. The organizations involved include the International Circle for the Promotion of Creation, Lawyers without Borders, the Cameroonian Association of Women Lawyers and the Association to Combat Violence against Women, supported by UN-Women and the British High Commission in Cameroon.

72. In addition, care is provided to victims of violence through eight shelters for women in distress (call centres) that have been set up in Centre region (Yaoundé V and VII), East region (Bertoua), Littoral region (Douala 1) and Far North region (Kousséri, Mora and Maroua). Through these shelters, women who have been subjected to acts of violence can report offences and receive counselling, enabling the relevant services to take prompt action. In the same vein, a centre to combat gender-based violence has been established in Maroua. Counselling services are also provided at the local offices of the Ministry for the Promotion of Women and the Family, the Ministry of Social Affairs, in police stations, in some sub-prefectures and by certain NGOs (Trauma Centre, the Cameroon National Planning Association for Family Welfare, the Association to Combat Violence against Women, etc.), providing counselling, guidance and care to victims of gender-based violence.

73. In 2014, for example, the above-mentioned services provided psychosocial support to victims of violence. To that end, 45 home visits were conducted, 103 cases of violence were identified, and 888 disputes between spouses, within families and between cohabiting partners were registered. According to the records, 654 cases were handled, 52 mediation sessions were organized for couples and 100 people received counselling.

Repeal of the provision under which rape is not penalized if the victim agrees to marry the perpetrator

74. This matter will be considered during the revision of the Criminal Code that is currently under way.

Number of complaints concerning gender-based violence

75. Between 2010 and 2014, investigations were opened, prosecutions were launched and penalties were handed down in cases of gender-based violence.

76. For example, 2,168 investigations were conducted and 1,675 judicial investigations were opened into the offence of indecent assault on persons under 16 years of age. Trial courts have taken up 1,013 cases and handed down 749 convictions and 143 acquittals.

77. The competent authorities have launched 796 investigations into indecent assaults committed against persons aged between 16 and 21 years, leading to judicial investigations being opened in 565 cases and 557 cases being brought before the trial courts. These prosecutions have led to 302 convictions and 63 acquittals.

78. In cases of rape, 1,127 investigations have been opened, giving rise to 494 judicial investigations, 414 prosecutions before the courts, 293 convictions and 69 acquittals.

8. Combating trafficking in persons

79. In addition to the references in the common core document (HRI/CORE/CMR/2013) to international instruments of general (para. 64) or specific (para. 65) scope, International Labour Organization conventions (para. 65 (2)) and subregional instruments (para. 65 (3)), which complement the instruments cited in the previous report, the legal framework for combating trafficking in persons has been enhanced by the adoption of Act No. 2011/024 of 14 December 2011 on combating smuggling and trafficking in persons (Annex II). This Act repeals Act No. 2005/015 of 29 December 2005 on combating child trafficking and slavery, thereby extending criminal legislation in this area to any person who is a victim of the offences in question.

80. In addition to this legislation, developments have taken place at the institutional level, with the establishment, within the Office of the Prime Minister, of a coordinating body known as the Interministerial Coordinating Committee for Preventing and Combating Trafficking in Persons (Order No. 163/CAB/PM of 2 November 2010).

81. This Committee is responsible for:

- Ensuring that policy on combating trafficking in persons is implemented by all government services
- Initiating and overseeing training
- Ensuring that the international instruments to which Cameroon is a party and which relate to trafficking in persons are established in domestic law
- Stimulating debate on the issue¹⁴

82. In order to articulate the policy to combat trafficking within a sectoral framework, the National Committee to Combat Child Labour was established under Order No. 082/PM of 27 August 2014 with a view to monitoring the implementation of the National Plan of Action to Combat Child Labour.¹⁵ The Committee reinforces the commitment to

¹⁴ The Committee has defined five main areas in which additional efforts could be made to prosecute and punish the perpetrators of human trafficking: strengthening the skills of law enforcement officers and social workers, adopting legislation on trafficking in adults, training law enforcement officers in the use of electronic databases as an anti-trafficking tool, and investigating allegations of abuse arising from practices of hereditary debt-bondage in the northern parts of the country.

¹⁵ Order No. 082/PM of 27 August 2014 on the establishment, organization and operation of the National Committee to Combat Child Labour.

inclusiveness that had already led to the establishment of the Network against Trafficking in and Exploitation of Children on 17 September 2010.¹⁶

83. To ensure ownership of the main lines of the policy on combating this problem, 10 regional awareness-raising campaigns were conducted between 2011 and 2013 and capacity-building activities were undertaken with the support of various partners.

84. In terms of collaboration with the bodies of the United Nations system, work began with the United Nations Children's Fund (UNICEF) after the adoption of Act No. 2005/015 of 29 December 2005 on combating child trafficking and slavery, with the scheduling of training seminars on implementation of the Act. The seminars in question were held in Ebolowa in South region in January 2009; in Bamenda in North-west region in September 2010; in Maroua in Far North region in September and October 2010; and in Garoua in North region from 26 to 28 October 2010.

85. The United Nations Subregional Centre for Human Rights and Democracy in Central Africa contributed by holding a seminar in Yaoundé between 11 and 13 January 2012 on the rights-based approach to combating trafficking in persons in Central Africa.

86. On 16 and 17 January 2014 in Yaoundé, the International Organization for Migration held a training-the-trainers workshop on the system for the referral, identification and care of victims of trafficking in Cameroon. It also held a training workshop for police officers on the fight against trafficking in persons in Central Africa between 18 and 20 March 2014.

87. Collaboration between the American NGO Vital Voices Global Partnership and its local partner, Nkumu Fed Fed, in the form of two national-level training workshops, held in Yaoundé between 15 and 18 May 2011 and 24 and 25 July 2012, also accompanied the adoption of the above-mentioned Act of 2011. The workshops in question were aimed at judges, prosecutors, police officers, gendarmes, social workers and members of civil society and were replicated at the regional level in Bamenda between 6 and 8 May 2013 and in Buea, with 50 participants at each location.

88. The workshops concluded with the establishment of local coordination bodies, known as task forces, which report to the Governor and have members drawn from the court headquarters, the public prosecutor's office, the judicial police, the gendarmerie, the department of tourism, social workers and civil society organizations.

89. The work of these task forces is funded within the framework of the priority solidarity fund project entitled "Support for the fight against human trafficking in the countries of the Gulf of Guinea", which is conducted with French development assistance. The Regional Task Force on the Fight against Trafficking in Persons in the North West also benefited from a capacity-building seminar held in Bamenda between 2 and 4 September 2015.

90. Under the umbrella of the above-mentioned project, a training workshop for civil society organizations took place between 10 and 12 December 2014 and a national symposium on trafficking in persons in Cameroon was held between 3 and 5 March 2015.

91. Experience-sharing sessions are held for the different stakeholders in the five countries concerned to address the cross-border dimension of the offence of trafficking in persons. In September 2015, judges and investigators from Cameroon and Benin spent time at the National Agency for the Prohibition of Trafficking in Persons in Nigeria. All these actions have enabled progress to be made in curbing the phenomenon. Cases recorded in some jurisdictions of the country illustrate this trend. The following cases may be highlighted:

¹⁶ The Network against Trafficking in and Exploitation of Children is made up of representatives of the Government (the Ministry of Labour and Social Security, the Ministry of Agriculture and Rural Development, the Ministry of Social Affairs, the Department of National Security, the National Gendarmerie), social partners (trade unions), and civil society (NGOs, associations, traditional chiefs, religious leaders).

- *The People v. Belinga Eyendea, Martin Manga Itoungue and Eboa Njoke*: on 7 July 2011, the Donga-Mantung High Court in North-West region declared the first two accused to be guilty of the abduction of minors and sentenced them to 3 years' imprisonment, suspended for 3 years.
- *The People v. Robert Agbor Eyong, Caroline Njock and Francis Molua, alias Okada*. In 2012, a judicial investigation was opened against the above-mentioned persons, who were charged with trafficking children aged between 10 months and 16 years. The proceedings are ongoing before Ndian High Court.
- *The People v. Lucia Ngwe Mbungson*: arrested in May 2013 with a 2-week old baby from Nigeria whose mother she claimed to be but whom she was not breastfeeding, Ms. Lucia Ngwe Mbungson was charged with trafficking in children, sentenced to 11 years' imprisonment, fined CFAF 1,500,000 and subjected to disqualifications under Article 30 of the Criminal Code on accessory penalties in accordance with judgment No. HCF/03C/13 of 24 December 2013.
- *The Public Prosecutor and Clauvis Chérif Elangman v. Marie Noelle Kota and Michel Bernard Nsa'a*: a young woman, Sandrine Elangman, was taken from her parents' place of residence in Bertoua to the town of Dimako by Marie Noelle Kota, who subjected her to various types of forced labour. She was forcibly held at the home of Michel Bernard Nsa'a, who subjected her to sexual abuse. The accused were each sentenced to 5 years' imprisonment and ordered to pay a fine of CFAF 50,000 and joint costs in the sum of CFAF 85,450 in accordance with judgment No. 59/Crim of 18 September 2012 of the Haut Nyong *tribunal de grande instance*.
- *The People v. Gladys Ndum Yongkuma (married name: Nguh Mbi)*: on 4 December 2013, while crossing the border from Nigeria with a 4-day old child whose mother she claimed to be, Ms. Yongkuma was arrested in Ekok by members of the border police because of her advanced age (52 years). Charged with trafficking in children by the High Court of Manyu in Mamfe, the accused was sentenced to 5 years' imprisonment, suspended for 5 years.
- *The Public Prosecutor v. Castel Assoumou Ndo et al.*, international trafficking in persons: the accused helped foreigners to cross the border between Cameroon and Gabon (at Abang-Minko) illegally in exchange for remuneration. They were sentenced to 18 months' imprisonment and ordered to pay a fine of CFAF 100,000 and costs of CFAF 86,350, i.e. CFAF 43,175 each, in accordance with judgment No. 01/Crim of 2 January 2015 of the Vallée du Ntem *tribunal de grande instance*.

92. In combating this phenomenon, care must be provided to victims and cross-border cooperation must be facilitated. Despite the steps that have been taken, which include the rehabilitation of three public facilities for children in distress; the establishment, in December 2009, of a foster-care system facilitated by the approval and dissemination of a guide to the fostering of vulnerable children in Cameroon; the development, in 2010, of two guides for social workers who provide psychosocial support to children in difficult and emergency situations; the approval, on 4 and 5 November 2013, of a national referral system and standard operating procedures for the prevention and fight against trafficking and smuggling in Cameroon; and the support of civil society organizations such as Nkumu Fed Fed, which manages a rehabilitation centre for victims, the geographical coverage of care institutions needs to be further extended.

Article 3

9. Safeguards provided to persons subject to refoulement, extradition or removal

Measures taken to ensure that no person is returned to a country where he or she would be in danger of being tortured

93. Article 645 (d) of the Code of Criminal Procedure provides that extradition may not be applied "when the requested State has substantial grounds for believing that the person whose extradition is being requested will be subjected, in the requesting State, to torture or

other cruel, inhuman or degrading treatment or punishment”. This is a matter of public order that can be raised ex officio by the court of appeal, which is the competent court in cases of extradition. One such case was that of the *Public Prosecutor v. Michel Dricot*, which was subject to order No. 17/CC of 25 March 2010. In this case, which involved determining whether a Belgian national should be extradited to his country to serve his sentence, the judges took the view that, “at the international level, the state of Belgium is not a country in respect of which there are substantial grounds for believing that the above-mentioned individual would be subjected to torture. It should therefore be concluded that all the legal requirements for his extradition have been met”.

Safeguards provided in cases of refoulement, expulsion and deportation, as well as the suspensive or non-suspensive effect of the measure

94. The persons concerned shall be informed of the deportation measures and have the right to choose counsel and to challenge the measures before the administrative courts. An appeal has the effect of suspending enforcement. Such is the substance of the provisions of articles 35 to 38 of Act No. 97/12 of 10 January 1997, which governs the conditions under which foreigners may enter, reside in and depart from Cameroon, attached as annex III.

10. Statistics on applications for asylum and persons returned, extradited or expelled

Applications for asylum and refugee status

95. The procedure for determining refugee status is currently regulated by Decree No. 2011/389 of 28 November 2011 on the organization and functioning of the bodies responsible for managing refugee status in Cameroon. However, the determination of refugee status will be managed by the Office of the United Nations High Commissioner for Refugees until the appropriate national bodies have been established. In 2014, 11,754 asylum applications (3,989 children, 2,803 women and 4,962 men) were registered. The refugee population was estimated at 264,126 persons, most of whom were nationals of the Central African Republic or Nigeria who were fleeing unrest in neighbouring countries.

The number of deported, extradited or expelled persons

96. During the period under review (2011 to mid-2015), a total of 5,846 foreigners were returned or escorted to the border (379 in 2011, 879 in 2012, 1,055 in 2013, 1,655 in 2014 and 1,878 by June 2015). The majority of those persons were returned to Nigeria, Côte d’Ivoire or Niger.

Safeguards granted to deported, expelled or returned persons

97. In addition to the safeguards provided for in the Code of Criminal Procedure in the area of extradition, persons who have been subjected to a deportation measure may, within 48 hours of notification, request its cancellation before the competent administrative court, in accordance with article 36 of Act No. 97/012 of 10 January 1997, establishing the conditions under which foreigners may enter, reside in and depart from Cameroon.

11. Diplomatic assurances or guarantees in respect of refoulement, extradition or expulsion

98. No specific cases of diplomatic safeguards and assurances being given have been recorded.

Articles 5 to 9

12. Universal jurisdiction

99. Article 10 of the Criminal Code states that: “(1) The criminal law of the Republic applies to acts committed abroad by citizens or residents, provided that the acts in question are punishable by the law of the place where they are committed and are classified as

crimes or offences under the laws of the Republic. However, the penalty handed down may not exceed that provided for under the foreign law.”

100. However, the conditions relating to double criminality, the place of commission, and the nationality of the perpetrator are not applicable to torture as provided for in article 132 bis (8), of the Criminal Code.

101. Article 5 of the Convention against Torture requires States to establish their jurisdiction over acts of torture. In Cameroon, torture is an offence under ordinary law. In this regard, national courts apply the rules of jurisdiction set out in articles 7, 8 and 9 of the Criminal Code in addition to what is provided for in the act of incorporation of the Convention. In this sense, article 28 bis of Act No. 97/010 of 10 January 1997, amending certain provisions of Act No. 64/LF/13 of 26 June 1964, which regulated extradition, provides that, “where the circumstances so warrant, any foreigner present in Cameroon and suspected of having committed an act of torture in another country may, after an examination of the relevant information, become the subject of a preliminary inquiry into the facts” (Annex IV).

13. Extradition treaties

102. During the period under review, Cameroon concluded an agreement on judicial cooperation with Côte d’Ivoire, signed on 6 March 2014, and an extradition agreement with the Russian Federation, in May 2015. These two agreements do not exclude torture from the offences giving rise to extradition. While the two countries are not expected to extradite their nationals, they undertake to prosecute them for acts committed abroad if the acts are punishable by law in both States.

14. Agreements on mutual legal assistance

103. In addition to the above-mentioned agreement with Côte d’Ivoire, the following cooperation agreements may be mentioned:

- The agreement between the Republic of Cameroon and the Kingdom of Spain on cooperation in combating crime, signed on 26 January 2010
- The agreement on the transfer of persons serving custodial sentences, signed with the Russian Federation in May 2015

Article 10

15. Capacity-strengthening for law enforcement officers, the armed forces and prison staff

104. In order to promote greater understanding of the provisions of the Convention, a module on the prohibition, prevention and punishment of torture was introduced into the introductory and in-service training programmes aimed at members of all categories of the armed forces. In addition, a handbook entitled *Participation of Members of the Armed Forces in Law Enforcement Operations* is currently being used.

105. Furthermore, training seminars on human rights, lasting a total of 104 hours, were organized for the Gendarmerie Schools and Training Centres Command by the Subregional Centre for Human Rights and Democracy in Central Africa in 2011. The seminars focused on topics such as law enforcement officials and human rights, respect for human rights in law enforcement, legislation in law enforcement, human rights and fundamental freedoms and an introduction to human rights. Similarly, a training workshop for members of the police force and the gendarmerie was held on 15 and 16 September 2015 in Yaoundé. The workshop, which was attended by 15 police officers and 15 gendarmes, included a module on the use of force, the use of firearms and human rights violations by law enforcement officials.

106. In 2013, a total of 122 hours were devoted to teaching international humanitarian law in gendarmerie training centres.

107. It is important to note that, in Decree No. 2007/199 of 07/07/2007, which sets out the general disciplinary regulations of the armed forces, chapter 4 is devoted to international humanitarian law. Under article 21 of this Decree, any order issued by a superior to commit an act that would violate international humanitarian law is considered to be manifestly unlawful. In such a situation, the subordinate has the absolute right not to carry out the order.

108. In general terms, Ministerial Directive No. 250/DR/MINDEF/1043 of 14/02/1994 makes the teaching of international humanitarian law to the armed forces mandatory at all training levels up to that of the War College in Yaoundé. It is taught on the basis of a training manual on international humanitarian law for the armed forces, which structures courses across different levels. The latest edition of this manual dates from 2006. It is being revised to reflect recent developments.

109. Police officers follow the “Human Rights and Freedoms” module in national security training and enforcement schools and centres. They also receive in-service training sessions in the form of seminars similar to the one delivered to criminal investigation officers by the Subregional Centre for Human Rights and Democracy in Central Africa at the advanced police training centre on 3 November 2011. In addition, educational talks are given by the heads of units to staff under their authority. Since 2011, special emphasis has also been placed on capacity-building and promoting wider knowledge of legal instruments related to the prevention of torture. The instruments on which information has been imparted include:

- Excerpts from the Convention against Torture;
- Decree No. 2012/546 of 19 November 2012 on the code of conduct of officers of the national security forces;
- Circular letter No. 001806/DGSN/SG/PSD/SDD of 22 June 2011 on the management of officers in regional public security units;
- Circular letter No. 00466/DGSN/CAB of 6 April 2001 on the improvement of custody conditions.

110. Awareness-raising has also taken place through the establishment of “community policing”, which is a corollary of the partnership established between the police and the public through the introduction and publication of telephone hotlines, such as 1500, 17 and 117. These telephone numbers enable any victim or witness of a violation of human rights automatically to receive assistance from an operational police unit or to bring the facts directly to the attention of the Delegate-General for National Security.

111. Where prison administration is concerned, modules devoted to human rights are included in the training curriculum of the National School of Prison Administration. In this connection, the Subregional Centre for Human Rights and Democracy in Central Africa supported the training of 30 trainers from the school during a seminar held in Buea between 18 and 22 July 2011.

112. Mention should also be made of capacity-building activities aimed at prison administration staff, in the area of human rights in prisons, in particular:

- The training seminars, on the protection of the rights of detainees, delivered to 200 legal professionals and prison staff at the National School of Administration and Judicial Training in 2011.
- The four seminars, attended by 160 prison administration staff, held in Bamenda (7-8 May 2013), Douala (4-5 September 2013), Ebolowa (7-8 November) and Bertoua (13-14 November 2013) with the support of the Subregional Centre for Human Rights and Democracy in Central Africa.

113. In order to strengthen the police forensic service and ensure greater reliability in the evidence-collecting process, a training course was delivered to a deployable team of criminal investigation experts on 19 October and 20 November 2015 at the International School for Security Forces in Awaé. The workshop was attended by 29 police officers and gendarmes, including 9 senior investigators, 10 investigators and 10 criminal identification

experts. The training session was intended both to equip the police and gendarmerie forces of Cameroon and Africa with experts capable of searching for, sampling and making use of traces and evidence at national crime scenes and on multinational peacekeeping operations and to develop a pool of criminal investigation trainers that meets international working standards as implemented by the International School for Security Forces.

16. Training in the detection of torture

114. In combating torture, the solutions are to be found through a multisectoral approach such as that which brought together civilian and military judges, doctors, diplomats, investigating officers, representatives of the National Commission on Human Rights and Freedoms and members of civil society between 24 and 26 January 2012, under the aegis of the Government and the African Commission on Human and Peoples' Rights, to discuss the topic of "the prevention and punishment of torture". On that occasion, one of the concerns addressed to the health authorities, in particular, was the incorporation of the Istanbul Protocol into staff training programmes.

115. In addition, capacity-building seminars on human rights, with specific modules on combating torture, are organized for the above-mentioned target groups.

Article 11

17. Monitoring interrogation methods and custody measures

116. See the explanations under article 2 above.

18. Mechanisms for monitoring places of detention

Measures taken to establish a national system for effectively monitoring and inspecting all places of detention

117. The ratification process was completed at the national level with the adoption of ratification decree No. 2010/347 of 19 November 2010. It remains to be finalized with the deposit of the instruments of ratification.

Regular, unannounced visits to places of detention made by representatives of the National Commission on Human Rights and Freedoms and NGOs such as the International Committee of the Red Cross

118. Between 2010 and 2015, the National Commission on Human Rights and Freedoms visited 87 places of detention across the territory (10 in 2010, 6 in 2011, 23 in 2012, 15 in 2013, 15 in 2014 and 18 in 2015).

119. In addition, representatives of NGOs, including the International Committee of the Red Cross (ICRC), are authorized to visit places of detention of their choice, provided that they comply with the regulations in force. Between 2014 and 2015, for example, ICRC visited places of detention in Far North, East and Centre regions, meeting an estimated 5,500 detainees and monitoring 216 detainees on an individual basis.

19. Prison statistics and combating inordinately long detention periods

Prison statistics as at 31 August 2015

120. As at 31 August 2015, the national prison population was estimated at 27,877 individuals, of whom 24,839 were men, 689 were women and 819 were minors. In addition, 1,584 foreign detainees were registered. The detainees were aged between 13 and 75 years. For further disaggregated prison statistics, see annex V.

Measures taken to address concerns regarding prolonged pretrial detention

121. In order to tackle prolonged pretrial detention, several measures have been taken in respect of the management and monitoring of proceedings, monitoring of the situation of detainees and capacity-building within the judicial and penitentiary system.

122. With regard to the management and monitoring of proceedings, senior judicial officials are regularly questioned, particularly at the annual meetings of the appeal court heads and through the directives and circulars issued by the Minister of Justice,¹⁷ about the effective implementation of the legal provisions relating to the exceptional nature of detention and the requirement to process cases involving prisoners in an efficient manner. On 17 and 18 September 2015, the heads of the appeal courts and the regional representatives of the prison service held their annual meeting. Following the meeting, which was devoted to the subject of prison overcrowding, the appeal court heads were instructed to become personally involved in monitoring cases involving detainees. Further seminars on the Code of Criminal Procedure are expected to take place to help strengthen commitment to the legal provisions intended to safeguard freedom.

123. In terms of monitoring detainees, calls were made at the same meeting of appeal court heads for a framework for coordination between the judicial authorities and the prison authorities to help monitor the prison population, a framework for monitoring persons detained by order of the military court and procedures for the systematic monitoring of detentions.

124. In order to improve the capacity of the judicial and prison system, steps have been taken to enhance both material and human resources. In terms of infrastructure, new courts have been opened, new prisons have been built (in Ntui, Ngoumou, Bali and Baham) and others have been refurbished. In terms of human resources, the number of judges increased from 1,167 in 2012 to 1,547, as of 27 November 2015, while the number of other staff in the prison system also rose significantly to 3,686 as of the same date.

The situation of some accused persons who have allegedly been held in prison for a period longer than their sentence without having been released

125. This situation is the result of poor record keeping or certain other issues. When places of detention are inspected, the judicial authorities order the release of any persons found to be held in such a case. For example, following checks lasting almost one and a half months that were carried out at Yaoundé Central Prison between November and December 2015 by the Public Prosecutor's Office of the Yaoundé Administrative Centre court of first instance, 122 persons who were still in detention after having served their sentences were released. In addition to administrative remedies, the mechanism of habeas corpus can provide a legal solution for persons who have allegedly been held for longer than their sentence.

126. The following cases have been identified during the reporting period:

- *Remy Bendouga v. the Public Prosecutor*: detained on 21 August 2008, the complainant was eligible for release on 21 May 2009. He was released pursuant to Order No. 17/HC of 18 March 2010 issued by the President of the Mfoundi *tribunal de grande instance*.
- *Elie Tatsing v. the Public Prosecutor*: the investigating judge of the court of the first instance had ordered the provisional detention of the person concerned on 3 July 2009. Although the detention order had expired, it was not extended. The detainee was granted immediate release under order No. 005/OHC/CAB/PTGI/Mifi of 23 March 2010.
- *Lucas Tassin v. the Public Prosecutor*: the investigating judge of the court of first instance had ordered the provisional detention of the person in question on 3 July 2009. The provisional detention order had expired and had not been extended. The

¹⁷ Reference to a circular on prolonged detentions.

detainee was granted immediate release under order No. 005/OHC/CAB/PTGI/Mifi of 23 March 2010.

- *Ange Parfait Bilounga v. the Public Prosecutor*: detained on 21 November 2007 for theft and for failing to produce a national identity card, he was eligible for release on 22 December 2008. He remained in detention as the judicial decision was not communicated until he was released under order No. 20/HC of 1 April 2010, issued by the President of the Mfoundi *tribunal de grande instance*.
- *Moussa Yaya v. the Public Prosecutor*: detained under a provisional detention order issued by the investigating judge of the Military Court of Garoua, his detention lasted over 18 months, in violation of the provisions of article 221 of the Code of Criminal Procedure. He was released pursuant to Order No. 06/habeas corpus of 15 February 2011.
- *François Beka v. the Public Prosecutor*: in accordance with Order No. 01/LI/HC/EB of 14 January 2013, the above-mentioned person was released after being detained on 5 July 2011 for vagrancy and for failing to produce a national identity card, despite the fact that his case had been struck off the list after the first hearing.
- *Fabien Pougnon v. the Public Prosecutor*: in accordance with Order No. 01/OHC/CAB/HC/Mifi of 24 February 2015, the person concerned was released because he had not been set free when his prison sentence of 3 years and 8 months for civil imprisonment had expired.
- *Sadou Sali v. the Public Prosecutor*: detained for witchcraft practices under a provisional detention order issued on 8 October 2013, the person concerned received an order, dated 22 April 2014, which stipulated that the provisional detention order should be waived. The order in question was not implemented until 21 May 2014, when he filed a habeas corpus application which the President of the Mayo-Kani *tribunal de grande instance* granted under Order No. 36/HC of 26 May 2014.
- *Roger Serge Kouontchou v. the Public Prosecutor*: arrested on 27 March 2013 and sentenced to 2 years' imprisonment, the person concerned received a remission of 8 months. His sentence should therefore have expired on 2 July 2014. He was released in accordance with Order No. 012/OHC/CAB/PTGI/Mifi of 24 October 2014.
- *Hawa Abdouraman v. the Public Prosecutor*: in the context of the proceedings against her for committing acts of violence against pregnant women, initiated under a provisional detention order issued on 17 August 2014, the court found that the case had been improperly referred to it, as the accused had been under 18 years of age on 4 September 2014. However, she remained in detention until the implementation of order No. 01/HC/PTGI/LC of 17 September 2014, issued by the President of the Logone et Chari *tribunal de grande instance*.
- *Dairou Adjì, Djibrilla Adjì and Sidiki Abdoulaye v. the Public Prosecutor*: arrested under a provisional detention order issued on 19 March 2014, the above-mentioned individuals were sentenced to 6 months' imprisonment and each ordered to pay a fine of CFAF 50,000 and joint costs on 12 August 2014. Despite having served their sentences and paid the fine and legal costs, the complainants remained in detention. Their immediate release was granted under Order No. 2/HC of 23 September 2014, issued by the President of the Mayo-Kani *tribunal de grande instance*.
- *Daniel Blaise Ekwalla Semey v. the Public Prosecutor*: imprisoned on 19 September 2014 pursuant to an arrest warrant issued against him on 16 December 2003 by the Littoral Court of Appeal, he was released as the penalty was time-limited (offence: 5 years). Following the failure to implement this measure, he was immediately released under Order No. 135/PTGI/W/DLA of 17 December 2014, issued by the President of the Wouri *tribunal de grande instance*.
- *Aaron Peter Massango v. the Public Prosecutor*: imprisoned on 14 August 2014 by the investigating judge of the Douala-Bonanjo court of first instance, the judicial investigation opened in the case was not closed and the provisional detention order

issued against the person concerned was not extended. He was released under Order No. 16/PTGI/W/DLA of 18 March 2015.

- *Abdou Ousman v. the Public Prosecutor*. Held under a provisional detention order issued on 5 March 2014 and sentenced to 6 months' imprisonment for fraud by Garoua court of first instance, the person concerned was detained under a warrant of commitment for the payment of damages and interest, despite the fact that the decision had not yet become final. He was released under Order No. 02/habeas corpus of 20 March 2015.

20. Treatment of detainees/conditions of detention

Results of the Programme for the Improvement of Detention Conditions and Respect for Human Rights

127. The activities carried out under the first Programme for the Improvement of Detention Conditions and Respect for Human Rights (PACDET I), which focused on Douala and Yaoundé central prisons, addressed the following subjects:

Defence

- 2,219 detainees received legal assistance (1,190 in Yaoundé and 1,029 in Douala)
- The cases of 1,344 detainees were completed. Acquittals, dismissal orders, provisional releases and immediate releases were handed down in 463 cases, while 807 detainees were convicted

128. In conclusion, 80 per cent of the cases of persons held in pretrial detention for more than 3 years were settled, resulting in a significant decrease in the average length of detention.

Detainees' awareness of their rights has been raised by the following measures:

- The introduction of legal surgeries in the prisons of Yaoundé and Douala, where lawyers met individually with every detainee who wished to obtain legal advice.
- The organization of legal information briefings for prisoners in the form of presentations and question-and-answer sessions.

Investment: the construction and fitting out of visiting rooms and the purchase of 12 computer systems and 26 typewriters for Yaoundé and Douala prisons and the prosecutors' offices and courts in those two cities

Prisoners' health: improving patient health care by providing prisons with first aid supplies and basic equipment

129. The positive results achieved by PACDET I have prompted the Government of Cameroon to sign a second funding agreement, PACDET II, whose scope has been extended to all central prisons in Cameroon.

130. This measure has made it possible to improve the functioning of the judicial and correctional institutions by:

- Supporting the implementation of the Code of Criminal Procedure by publishing and delivering 5,000 copies of the Code and 7,796 books of application forms to the Ministry of Justice.
- Encouraging consideration of non-custodial sentences by introducing community service into the new draft of the Criminal Code.
- Improving the functioning of the judiciary by delivering computers, fax machines and photocopiers to the Inspectorate-General of Judicial Services and providing prosecutors' offices and registries of the military courts with office equipment.

- Supporting the formulation and implementation of a training programme aimed at civilian and military judges, regional representatives of the prison service, the directors of central prisons, detainees, health officials and NGOs.
- Providing legal assistance to 5,413 detainees and speeding up the handling of their cases.

131. Detention conditions have been improved in the following ways:

- 10 central prisons have been provided with 10 delivery trucks
- Biogas systems have been built in 8 central prisons
- 10 boreholes have been constructed in 10 central prisons
- Disease has been prevented through prisoner vaccination programmes and the emptying of septic tanks
- Health care has been provided to sick prisoners through the delivery of medical equipment and medicines
- Income-generating activities have been introduced in 6 central prisons (Yaoundé, Douala, Bafoussam, Ebolowa, Ngaoundéré and Maroua)

132. Work carried out on infrastructure, which has been financed by counterpart funds, involves the construction of infirmaries in Bertoua, Bamenda, Douala, Ebolowa, Garoua, Maroua, Ngaoundéré and Yaoundé.

133. Detainees have been prepared for social reintegration by being provided with educational materials and equipment (tables, benches, pictures, television sets, beds, mattresses, DVD players).

134. Lastly, in order to improve the functioning of prison institutions, the Inspectorate-General of the Prison Service and the regional representatives have been provided with four-wheel drive pickup trucks and two prison vans.

Segregation of men/women and minors/adults

135. The principle of segregation is generally applied in most of the country's prisons. This is the case with regard to the segregation of men and women.

136. With regard to the separation of minors and adults, 39 of the 78 currently functioning prisons of the 88 so far established have a juvenile wing and 15 have facilities for minors. It should be noted that not all prisons are able to accommodate minors. To prevent them from being isolated, minors (particularly girls, of whom there are relatively few) are sometimes held in the women's section.

137. Special facilities have been built to cater for the specific needs of certain categories of prisoners. For instance, quarters for elderly persons have been established at the Central Prison in Douala.

Measures taken to review the provisions relating to civil imprisonment

138. The State is currently evaluating the implementation of the Code of Criminal Procedure in order to consider any corrective measures that might be relevant.

Detainees in inhuman and degrading conditions

139. The use of chains as a disciplinary measure is regulated under article 45 (c) of Decree No. 92/052 of 27 March 1992 on the prison system in Cameroon. The measure "may not be inflicted on the detainee for longer than 15 days in 5-day periods, each followed by a period of ordinary regime". The punishment may be imposed only after careful deliberation and in accordance with the need to ensure discipline in prisons that lack high-security facilities or modern means to guarantee effective discipline for dangerous prisoners. The Committee's concerns over the need to review this regulatory provision are wholly shared by the State party. Following the meeting of regional representatives of the

prison service, held in Yaoundé between 13 and 16 December 2013, a resolution was taken not to use chains on sick prisoners.

21. Violence in prisons

140. Although cases of violence between prisoners have been reported during visits to places of detention, no court has registered any complaint concerning this type of violence. Cases of violence or negligence on the part of law enforcement officials, whether or not they resulted in disciplinary or criminal sanctions, are listed below.

22. Deaths in custody

141. Between 2010 and 2014, there were 570 deaths in the various prisons in the country: 74 in 2010 (4.4 per cent); 158 (6.59 per cent) in 2011; 156 (6.15 per cent) in 2012; 67 (2.58 per cent) in 2013; and 115 (4.70 per cent) in 2014. The death rates in correctional facilities range from 4.4 per cent to 4.70 per cent.

142. While most of those deaths occurred as a result of illness, as shown by the statistics on deaths in prison and their causes (see annex VI), a small number were accidental deaths caused by shooting following an escape (one case in 2014) and/or by ill-treatment and criminal neglect by staff.

143. In the case of unnatural deaths, particularly following violence against or among prisoners, investigations have been opened and suspects have been prosecuted. Following the proceedings, criminal sentences have been handed down to convicted persons and, where appropriate, monetary damages have been awarded to the victims or their dependants.

144. Thus, over 20 prosecutions and convictions have been brought against law enforcement staff, including police officers, gendarmes, members of the armed forces and prison guards for the following offences: torture, arbitrary arrest and detention, common assault, minor assault and manslaughter, all of which are covered by and punishable under articles 132 bis, 291, 280, 281 and 278 of the Criminal Code.

145. Disciplinary sanctions have also been handed down against law enforcement officers in cases of torture or violence against detainees. These sanctions range from temporary suspension to dismissal, delayed promotion, warnings, reprimands and demotion.

Measures taken to reduce the number of deaths in custody

146. The number of deaths in prison has fallen as a result of a number of measures made possible by the combined efforts of the State and its partners.

147. In addition to the benefits brought about by PACDET, whose achievements in the areas of health and nutrition are mentioned above, improvements continue to be made to the technical capacity of infirmaries and their supplies of medicines and water, enabling 27 prisons to be equipped with boreholes or water supplies. Supplying water to prisons makes it possible to improve hygiene conditions and tackle waterborne diseases. Each prison has been equipped with an infirmary and the number of health-care staff has increased: as a result, there were 23 doctors, 36 nurses and 121 assistant nurses in 2014. These measures form part of an overall process. Thus, at the annual meeting of representatives of the prison service, held between 7 and 9 November 2012, after a discussion of the right to health of detainees and security imperatives, it was recommended that the health infrastructure and technical capacity of prisons should be improved, increasing logistical resources and boosting the number of medical and paramedical staff. Guidelines on the transfer of sick prisoners to hospitals had already been transmitted to the appeal court heads at their annual meeting on 16 and 17 October 2012.¹⁸

148. Thus, despite the limited resources, arrangements are being made to refer patients to public hospitals when they cannot be provided with adequate medical care in prison health facilities. In order to facilitate the transfer of patients to public or private hospitals, the vehicle fleets of some prisons have also been enhanced.

¹⁸ Ministry of Justice Report on Human Rights in Cameroon in 2012, p. 135.

149. At the institutional level, Decree No. 2012/339 of 18 September 2012 on the organization of the Ministry of Justice has aligned the prison health service with the national public health system. To that end, a strategic plan for the prison health service is being developed.

Information on the death of the journalist Germain Cyrille Ngota Ngota

150. The proceedings initiated after the death of the journalist Germain Cyrille Ngota Ngota were the subject of a judicial inquiry that was dismissed owing to the absence of an offence (annex VII). Indeed, the forensic medical report indicates that the person in question died of natural causes.

Articles 12 and 13

23. Access to justice and protection of victims and witnesses of acts of torture

151. Steps have been taken to facilitate access to justice for all victims of torture. Toll-free hotlines, such as 1500, 17 and 117, have been set up to enable members of the public to report any offences, including torture and other cruel, inhuman or degrading treatment.

152. In addition, complainants are exempt from stamp duty under article 135 (4) (b) of the Code of Criminal Procedure, which reads as follows: “Reports and complaints may take any form and shall be exempt from stamp duty. The authorities referred to in paragraph (2) shall be obliged to receive them.”¹⁹

153. Cameroon does not yet have an official programme for the protection of victims and witnesses of torture. However, the authorities are aware of this concern and have taken it into account in the National Action Plan for the Promotion and Protection of Human Rights in Cameroon (2015-2019).²⁰ The State party would welcome any assistance in establishing an operational mechanism.

24. An independent mechanism for the investigation of torture allegations

154. Cameroon does not yet have an independent mechanism for the handling of complaints regarding torture. However, national legislation provides for complaint procedures in which the complainant is able to sue for damages (Code of Criminal Procedure, art. 157 ff.) and in which a direct summons is issued (Code of Criminal Procedure, art. 290). Both procedures allow cases to be brought before the courts without prior investigation by the police.

25. Complaints, investigations and punishment of acts of torture

Acts of torture and murders allegedly committed during the events of February 2008

155. No cases of torture were identified during the investigations into these events.

Investigations, disciplinary and criminal proceedings, convictions and the criminal or disciplinary sanctions applied

156. Torture cases have been brought before various courts in the State party. The persons involved were law enforcement officers.

157. Examples include:

- Within the jurisdiction of Adamawa region court of appeal:

¹⁹ The authorities concerned are the public prosecutor, the criminal investigation officer and any local administrative authority.

²⁰ Technical Programme 1: Civil and political rights — Action 1: Defend the right to life and to physical and mental integrity — Activity 6: Establish a protection system for witnesses and victims.

- *The Public Prosecutor v. Emmanuel Ngabai*, a gendarme charged with torture, common assault and harbouring an individual. This case is still pending before Méiganga court of first instance.
- *The Public Prosecutor v. Khalifa Yerima and three others*, all prison administration officials, accused of complicity in torture resulting in the death of a detainee. The case is under preliminary judicial investigation before Méiganga court of first instance.
- Within the jurisdiction of Centre region court of appeal:
 - *The Public Prosecutor and Pierre Arroga Betsem et al. v. Jean Calvin Owona Owona and Clovis Banmi*, a police inspector and a second rank police constable, respectively. The accused were charged with torture and sentenced to 1 year's imprisonment, fined CFAF 100,000 each and ordered to pay costs in Judgment No. 3045/COR of 1 December 2014 of Yaoundé Administrative Centre court of first instance.
- Within the jurisdiction of East region court of appeal:
 - *The Public Prosecutor v. Cosmas Abessouke Zock et al.*, gendarmes charged with acts of torture. In Judgment No. 08/13 of 28 March 2013, the court found Cosmas Abessouke Zock guilty of torture and sentenced him to 1 year's imprisonment and ordered him to pay a fine of CFAF 100,000 plus costs.
 - *The Public Prosecutor v. Joseph Valérie Nyembe*, sergeant, prosecuted for torture before Bertoua military court. The case is ongoing.
 - *The Public Prosecutor and Ibrahima Sidi v. André Nkoa and Martine Bomi*, police officers serving in Bertoua, prosecuted for torture before Abong-Mbang court of first instance. The case is ongoing.
- Within the jurisdiction of Far North region court of appeal:
 - *The Public Prosecutor and Kaimo Edara v. Frédéric Djonmo*. The accused was charged with torture and found guilty. He was sentenced to 12 months' imprisonment, suspended for 4 years, and ordered to pay a fine of CFAF 50,000 plus costs, in Judgment No. 88/COR of 18 March 2014. The court awarded compensation of CFAF 291,425 to the plaintiff.
 - *The Public Prosecutor v. Victor Dahaina and others*. The accused were charged with torture, found guilty and sentenced to 5 years' imprisonment, suspended for 4 years, and a fine of CFAF 200,000, in Judgment No. 007/CRIM of 28 April 2014, handed down by Kaélé *tribunal de grand instance*.
- Within the jurisdiction of North region court of appeal:
 - *The Public Prosecutor and Nsak Soukoubay v. Ibrahim Ndougou*, a criminal investigation officer charged with torture, extortion of money and complicity. The case is ongoing.
- Within the jurisdiction of North-West region court of appeal:
 - *The People v. Alex Ela Ela and Bambo Johnson Nformi*, police officers charged with torture. They were sentenced to 2 years' imprisonment and ordered to pay a fine of CFAF 93,200, plus joint costs assessed at CFAF 46,600, or 6 months' civil imprisonment, by Bamenda court of first instance. The court also granted the plaintiff CFAF 1,000,000 in damages for the harm suffered.
- Within the jurisdiction of West region court of appeal:
 - *The Public Prosecutor and the beneficiaries of Jean Michel Tagne and Salifou Yiende v. Georges Kom, Magloire Minkala Minkala, Godfred Yengo and Stéphane Wafo*: in Judgment No. 135/CRIM, handed down on 28 June

2011 by Mifi *tribunal de grande instance*, prison supervisor Magloire Minkala Minkala and prison officer Godfred Yengo were sentenced to 4 years of imprisonment, suspended for 5 years, and the other two were sentenced to 2 years of imprisonment, for acts of torture committed against detainees Jean Michel Tagne and Salifou Yiende. The court also awarded the plaintiffs CFAF 800,000 in damages.

Article 14

26. Redress for victims of torture

158. Financial compensation is often included in the judgments handed down, as illustrated by the aforementioned cases.

159. In addition to the financial compensation awarded by the courts, a number of private initiatives have been set up by civil society organizations such as Trauma Centre Cameroon, which runs a holistic programme of interdisciplinary services including support provided by doctors, psychiatrists, psychotherapists, physiotherapists, advisers and lawyers, social protection and awareness-raising among various target communities.

Article 15

27. Inadmissibility of evidence obtained through torture

160. It has not been possible to find any examples of cases that have been dismissed by the courts due to the introduction of evidence or testimony obtained through torture or ill-treatment. Article 315 of the Code of Criminal Procedure provides for this possibility.

Article 16

28. Special protection of human rights defenders, trade unionists and journalists

161. The State protects all persons under its jurisdiction, irrespective of their status. The preamble to the Constitution provides that “freedom and security shall be guaranteed to each individual, subject to respect for the rights of others and the higher interests of the State”.

162. In the investigations into the alleged harassment and intimidation of Maximilienne Ngo Mbe, no evidence has been found to substantiate the allegations.

29. Allegations of harassment of lesbian, gay, bisexual, transgender and intersex persons

163. The reports that lesbian, gay, bisexual, transgender and intersex persons continue to be subjected to arbitrary arrest and ill-treatment by the police are unfounded.

164. Homosexuality is punishable under article 347 (bis) of the Penal Code, which provides that “any person who has sexual relations with a person of the same sex shall be punished with imprisonment for a term of 6 months to 5 years and with a fine of between 20,000 and 200,000 CFA francs”.

165. Any arrest of a person suspected of homosexual acts is carried out on the basis of that legal provision. Such arrests are therefore not arbitrary.

166. However, any act of violence that causes harm to others is punishable by law. The Penal Code contains a chapter on “The person”, formed of articles 275 to 290, which provides for the punishment of offences relating to the violation of the right to physical integrity and the right to life.

167. Moreover, threats, whether simple or conditional, are punishable under articles 301 and 302 of the Penal Code. Any victims of violence or threats, including lesbian, gay, bisexual, transgender and intersex persons, are free to file a complaint with the courts in order to obtain redress.

Information on the murder of Éric Ohena Lembembe, the executive director of the Cameroonian Foundation for AIDS

168. The public prosecutor ordered an initial investigation into the case, which was considered a suspicious death. That investigation led to the case being dismissed.

30. Protection of children from violence**Violence in schools**

169. Article 35 of Act No. 98/004 of 4 April 1998 on education policy in Cameroon provides that “the physical and mental integrity of students shall be safeguarded in the education system. The following shall therefore be prohibited: corporal punishment and any other forms of violence”.

170. Studies have been conducted on violence in schools and measures have been taken to prevent and eliminate such violence. An example is the diagnostic study that was carried out in collaboration with the NGO Plan Cameroon. This study showed that violence against children can take several forms, including:

- Corporal punishment with the use of pipes or pieces of electric cable to strike students on the thighs, calves or hands
- Sexual harassment, including touching of students’ private parts
- Incivility relating to insults, teasing or violence by peers

171. Action is being taken to address this issue, with a focus on the following:

- Promoting non-violent values in schools
- Capacity-building to improve teachers’ abilities
- Developing and implementing mechanisms for data collection and research on the violation of children’s rights
- Encouraging the participation of children in school management and taking their views into account
- Sanctioning teachers who have committed acts of violence against children and where necessary, bringing them before the courts

172. Broadly speaking, the outcomes of this action so far indicate an increase in general awareness of the gravity of the issue of violence in schools. As a result, there has been a significant drop in the number of cases of violence in schools.

Domestic violence

173. As regards domestic violence, efforts are made to promote non-violent values. When preventive measures fail, the perpetrators are prosecuted. In addition, perpetrators cannot be exempted from punishment on the grounds that they are a family member. For example, in Judgment No. 376/CRIM of 22 April 2014 in the case of *The Public Prosecutor v. Richard Pierre Zambo*, where the accused was charged with manslaughter, Mfoundi *tribunal de grande instance* found that the accused had beaten his 11-year-old son to death. On the death certificate, the cause of death was declared to be a haemorrhage. The accused was found guilty and sentenced in accordance with the law.

II. Other issues**31. Ratification of the Optional Protocol to the Convention against Torture**

174. See paragraph 115 above for explanations concerning the independent mechanism for the prevention of torture.

32. Abolition of the death penalty

175. Cameroon is a de facto abolitionist State. The death penalty has not been carried out in the country for over a decade. It remains a part of State legislation as a deterrent. In any event, under the Criminal Code, it is possible to appeal for clemency against a death sentence and such an appeal is lodged automatically, even in the absence of a request to that effect by the convicted person.

33. Human rights and counter-terrorism

176. In order to tackle the threat of terrorism, Cameroon has taken legislative action by adopting Act No. 2014/028 of 23 December 2014 on the punishment of acts of terrorism. Since this Act is relatively recent, the proceedings initiated after its promulgation are still pending before the military courts, which are the only courts that have jurisdiction to hear cases of terrorism.

177. The State has also reorganized its security system, for example by creating new military regions.

III. General information on the human rights situation in the country, including new measures and developments relating to the implementation of the Convention

178. Since the consideration of the previous report, many legislative and regulatory measures have been taken and various policies and programmes have been adopted to promote and safeguard human rights.

179. With respect to the institutional framework concerning the right to a fair trial, examples include Act No. 2011/027 of 14 December 2011 amending and supplementing certain provisions of Act No. 2006/015 of 29 December 2006 on the administration of justice and Act No. 2012/011 of 16 July 2012 amending and supplementing Act No. 2011/028 of 14 December 2011 on the creation of a special criminal court. To increase the effectiveness of this court, the purpose of which is to hear cases of misappropriation of public funds, a dedicated body of criminal investigation officers was assigned to it under Decree No. 2013/131 of 3 May 2013.

180. Decree No. 2011/389 of 28 November 2011 on the organization and functioning of the bodies responsible for handling refugee status in Cameroon illustrates the national authorities' efforts to assume sovereign responsibility for determining refugee status. In addition, an ad hoc interministerial committee for the management of refugee emergencies was established pursuant to Order No. 269 of 13 March 2014.

181. Other similar bodies that have been created include an interministerial committee for follow-up on recommendations issued by mechanisms for the implementation of international and regional instruments, which was established in 2011 pursuant to Order No. 081/CAB/PM of 15 April 2011.

182. In the framework of its international obligations, Cameroon has signed and ratified certain instruments, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which was ratified by Decree No. 2009/143 of 28 May 2009 and for which the instrument of ratification was deposited in January 2013; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 5 October 2001, which was ratified by Decree No. 2012/243 of 30 May 2012. Cameroon has also ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, by Decree No. 2014/610 of 31 December 2014; the Organization of African Unity Convention on the Prevention and Combating of Terrorism, adopted on 14 July 1999 in Algiers, by Decree No. 2014/605 of 31 December 2014; and the Protocol to the Organization of African Unity Convention on the Prevention and Combating of Terrorism, adopted on 8 July 2004 in Addis Ababa, by Decree No. 2014/606 of 31 December 2014.

183. As regards the protection of vulnerable groups, the existing body of legislation has been expanded with the adoption of Act No. 2010/002 of 13 April 2010 on the protection and advancement of persons with disabilities.

184. Developments relating to the implementation of the right to work and social security include Decree No. 2014/2217/PM of 24 July 2014 raising the intertrade minimum wage, Decree No. 2014/2377/PM of 13 August 2014 establishing the terms and conditions of coverage for those insured voluntarily under the old-age, disability and survivors pension scheme, and the creation of the Committee on Consultation and Follow-up to Social Dialogue in 2014. In addition, in 2011 the State party offered 25,000 civil service jobs to young persons and increased the number of judges, lawyers and bailiffs.

185. In terms of policies and programmes, the Document on National Gender Policy has been adopted to ensure a fairer process of development and the Document on Corporate Social Responsibility Policy, the National Action Plan for the Elimination of Child Labour in Cameroon and the National Action Plan for the Promotion and Protection of Human Rights in Cameroon have been drawn up.

Conclusion

186. In line with its commitment to the principles and values enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the State of Cameroon has taken legislative, regulatory and institutional measures to safeguard the dignity, physical and mental integrity and security of those living within its jurisdiction.

187. Throughout the period under consideration, the Government sought to implement all the recommendations made by the Committee after its examination of the previous report of Cameroon. That is why particular emphasis was placed on prevention, with the opening of discussions on the creation of a national mechanism for the prevention of torture in places of detention, and the punishment of perpetrators of acts of torture, in conjunction with the provision of financial compensation to victims.

188. As a result of the Government's efforts, progress has been made in the protection of persons against torture and other cruel, inhuman or degrading treatment or punishment. This progress needs to be built upon to address the challenges that remain. These include protecting witnesses, increasing support for victims of torture and human trafficking, improving conditions of detention by reducing prison overcrowding, addressing the issue of prison food and improving prison infrastructure.

189. The State of Cameroon is aware of the complexity of these challenges and intends to continue its efforts, while counting on the assistance of its technical and financial partners in overcoming them.

List of annexes

- Annex I: Act No. 97/009 of 10 January 1997 amending and supplementing certain provisions of the Criminal Code
- Annex II: Act No. 2011/024 of 14 December 2011 on combating human trafficking
- Annex III: Extract from Act No. 97-12 of 10 January 1997 on the conditions governing the entry to, stay in and exit from Cameroon by foreigners
- Annex IV: Act No. 97/010 of 10 January 1997 amending certain provisions of Act No. 64/LF/13 of 26 June 1964 on extradition
- Annex V: Statistics on prisons as at 31 August 2015
- Annex VI: Statistics on deaths in prisons
- Annex VII: Dismissal order in the case of Bibi Ngota
-